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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : David Corboy
Serial No. : 08/866,857
Filed : May 30, 1997
Title : ENCAPSULATED DOCUMENT AND FORMAT SYSTEM

BOX AF
Commissioner for Patents
Washington, D.C. 20231

Art Unit : 2776
Examiner : Cong-Lac Huynh

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RESPONSE

The following remarks are made in response to the Office Action mailed April 18, 2001.

INCOMPLETE REJECTION AND INCORRECT CITATION OF REFERENCES

Before attempting to address the merits of the outstanding Office Action, Applicant submits that this Office Action is not complete, as required by 37 C.F.R. § 1.104. Specifically, the Office Action is defective for failing to fully and clearly set forth the grounds of rejection and for failing to correctly cite a reference being applied against one or more pending claims.

In this Office Action, it appears that the Examiner intended to apply a new reference (i.e., "Rowe") against at least dependent claims 31-50. However, Rowe is not mentioned in the opening sentence of any ground rejection and no statutory basis under a section of 35 U.S.C. is designated for a rejection based on Rowe. As such, it is unclear whether the Examiner intended to apply Rowe under §102 or §103, whether the Examiner intended to apply Rowe alone or in combination with other references, and whether the Examiner intended to apply Rowe against any claims other than dependent claims 31-50. As such, pursuant to MPEP § 707.07, Applicant submits that the Office Action is defective at least because of the improperly expressed rejections based on Rowe.

Furthermore, a copy of Rowe was not provided with the Office Action, nor was Rowe listed in any notice of references cited (PTO-892) or any IDS (PTO-1449). Moreover, no citation, such as a U.S. Patent number, was ever provided for Rowe in the Office Action or in telephone conversations with the Examiner. Consequently, Applicant has been unable to ascertain the Rowe reference and does not know precisely which reference is being asserted